IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION.

CRIMINAL APPLICATION NO. 8046 OF 2005
AND
CRIMINAL APPEAL NO. 423 OF 2005

WITH

CRIMINAL APPLICATION NO.8045 OF 2005

IN
CRIMINAL APPEAL NO.52 OR 2000

Kumud Narsingh Panigrahi....Applicant.

versus

The State of Maharashtra ..... Respondent.

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Mr. Nitin Shejpal for applicant.
Mr. V.M. Konde Deshmukh APP for State.

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CORAM ; A.M. KHANWILKJAR, J.

DATED; DECEMBER 20, 2005

P.C.

1. **Appeal No.423 of 2005** is admitted. To be heard alongwith Criminal Appeal Nos. 52 of 2000 and 733 of 1999.

2. In **Criminal Application No.8046 of 2005,** the appeal preferred by the applicant has been admitted by separate order. The applicant is original accused no.3. The applicant is sentenced to undergo R.I. for

a term of 10 years. It is not in dispute that the applicant has already undergone sentence for six years in respect of the present offence.. There are no antecedents against the applicant. The learned A.P.P. points out that one criminal case was registered against the applicant. However that has resulted acquital. As the applicant has already undergone substantial period of sentence and it is unlikely that, the appeal will be heard in near future, as at present appeal prior to the year 1995 are being heard, in the interest of justice, in my opinion, the applicant deserves to be released on bail by imposing strict conditions in the following terms.

i) The applicant shall furnish surety in the sum of Rs. 25,000/- with two local sureties in the like amount.

ii) The applicant shall not enter the jurisdiction of District of Gr. Mumbai and New Mumbai and Thane during the pendency of the appeal.

iii) The applicant shall report to the nearest police station where he would ordinarily reside, twice in a month on 1st and 3rd Monday of every English calender month between 10.00 a.m. to 12.00 noon.

iv) The applicant shall furnish address of his latest place of residence to the concerned police station as well as investigating officer from time to time.

v) The applicant shall make himself available to this court as and when called upon to do so during the pendency of this appeal.

vi) The applicant shall not threaten the prosecution witnesses or any of their relations during the pendency of the appeal.

vii)The applicant shall surrender his pass port if any. In case he does not possess any pass port, affidavit stating that fact be filed in this court which is a condition for bail.

Application disposed of in the above terms.

3. In **Criminal Application no.8045 of 2005,** heard counsel for the parties. The Ld. A.P.P. points out that the applicant has already been convicted in respect of three separate offences and has been sentenced to undrgo Rigorous imprisonment in relation to each of the offences, agrregate period would be around 27 years, coupled with the fact that the court

below has recorded guilt agasinst the applicant in relation to the offence in question, which is a serious offence, this applicant does not deserve any indulgence, even though he has relady undergone about 6 and a half years of sentence in relation to the present offences. Hence this application is rejected. Hearing of the appeal is expedited. It will be open to the applicant to file private paper book so as to facilitate early hearing of the appeal. Liberty to apply for hearing after private paper book is filed and the appeal is ready in all respects.

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